



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/597,418

07/25/2006

Nynke Anne Martine Verhaegh

NL040102

1752

24737 7590 11/10/2008
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

ROBINSON, ELIZABETH A

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

11/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,418	Applicant(s) VERHAEGH ET AL.	
	Examiner Elizabeth Robinson	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim requires that the binder comprise a stabilizing agent, however it is unclear in what way this compound is stabilizing the binder (protecting from heat, light, separation of coating, etc.). Thus, there is no way of determining the scope of patent protection desired by the applicants.

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, 9 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sools et al. (US 2001/0040809).

Regarding claims, 1, 4, and 5, Sools (Paragraphs 18 and 19) teaches a luminaire comprising a reflector body with a reflector portion with a coating that comprises a light-transmitting binder, and light reflecting particles. The light reflecting particles (Paragraphs 10 and 11) can be formed from halophosphates, titanium dioxide, calcium pyrophosphate or strontium pyrophosphate with a pigment skin of aluminum oxide to improve the specular reflection of the coating. The binder can be a silicone (based on inorganic silicon) binder (Paragraph 11). Sools does not explicitly teach that the binder is formed from a sol-gel, however this is a process limitation. The patentability of a product is independent of how it was made. *Ex parte Jungfer* 18 USPQ 1796, 1800 (BPAI 1991); *Brystol-Myers Co. v. U.S. International Trade Commission* 15 USPQ 2d 1258 (Fed. Cir. 1989). The burden is on applicants to show product differences in product by process claims. *In re Thorpe* 227 USPQ 964 (Fed. Cir. 1985); *In re Best* 195 USPQ 430 (CCPA 1977).

Regarding claims 9 and 10, Sools (Paragraph 18) teaches that the coating is applied to a Philips MPF 211 reflector. As evidenced by the Philips product literature (page 218, section titled *Egenskaper*) this has an aluminum reflector. An English translation of this document will be provided with the next Office Action.

Claim Rejections - 35 USC § 103

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sools et al. As stated above, the luminaire product of Sools meets the limitations of claim 1. Sools (Paragraph 18) teaches that the coating can be applied to a conventional luminaire. Sools (Paragraph 13) further teaches that such conventional luminaires have aluminum reflector surfaces. It would be obvious to one of ordinary skill in the art to coat the coating onto a conventional aluminum reflector surface, since Sools teaches that the coating is suitable for a conventional luminaire.

Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sools et al. (US 2001/0040809), in view of Kramer et al. (WO 2001/86327). The Examiner is using US 2004/0233530 as the English language equivalent of the World document.

Regarding claims, 1, 2, 4, and 5, Sools (Paragraphs 18 and 19) teaches a luminaire comprising a reflector body with a reflector portion with a coating that comprises a light-transmitting binder, and light reflecting particles. The light reflecting particles (Paragraphs 10 and 11) can be formed from halophosphates, titanium dioxide, calcium pyrophosphate or strontium pyrophosphate with a pigment skin of aluminum oxide to improve the specular reflection of the coating. The binder can be a silicone binder (Paragraph 11). Sools does not explicitly teach that the binder is formed from a sol-gel. Kramer (Paragraph 77) teaches reflectors that can be used as luminaires. The reflectors are coated with a sol-gel lacquer formed from polysiloxane (silicone) and a

Art Unit: 1794

colloidal silicic acid solution (Paragraph 8). This binder provides protection against weather, corrosion, mechanical degradation, abrasion and scratches. It would be obvious to one of ordinary skill in the art to use the silicone binder of Kramer, as the binder of Sools, in order to have a specific silicone binder for use in the coating that will provide the luminaire with weather, corrosion and degradation protection.

Regarding claim 3, Kramer (Paragraph 50) teaches that the particles can be SNOWTEX® O. As evidenced by the SNOWTEX® product literature, SNOWTEX® O has a particle size of 10-20 nm.

Regarding claims 7 and 8, Kramer (Paragraph 56) teaches that the binder forms coatings that have a thickness of 1 to 40 microns.

Regarding claims 9 and 10, Kramer (Paragraph 10) teaches that the reflector bodies can have an aluminum surface.

Regarding claim 11, Kramer (Paragraphs 48 and 49) teaches that the colloidal silica is acid stabilized.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sools et al., in view of the Handbook of Fillers. As stated above, the luminaire product of Sools meets the limitations of claim 1. Sools (Paragraph 19) further teaches that the light-reflecting particles can be titanium oxide particles, such as Kemira 675, but does not teach that size of the particles. The Handbook of Fillers (Page 154) teaches that titanium dioxide particles such as those by Kemira, have a particle size of 8 to 300 nm.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sools et al, in view of Kramer et al. as applied to claim 1 above, and further in view of the Handbook of Fillers. As stated above, the luminaire of Sools, using the binder of Kramer, meet the limitations of claim 1. Sools (Paragraph 19) further teaches that the light-reflecting particles can be titanium oxide particles, such as Kemira 675, but does not teach that size of the particles. The Handbook of Fillers (Page 154) teaches that titanium dioxide particles such as those by Kemira, have a particle size of 8 to 300 nm.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Robinson whose telephone number is (571)272-7129. The examiner can normally be reached on Monday- Friday 8 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ear
/E. R./
Examiner, Art Unit 1794

/Carol Chaney/
Supervisory Patent Examiner, Art Unit 1794